



# House of Representatives

## File No. 786

General Assembly

January Session, 2017

**(Reprint of File No. 656)**

Substitute House Bill No. 7132  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 22, 2017

**AN ACT CONCERNING THE PROVISION OF NOTICE OF A CLAIM  
FOR COMPENSATION BY AN EMPLOYEE TO AN EMPLOYER OR A  
WORKERS' COMPENSATION COMMISSIONER.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 31-294c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) No proceedings for compensation under the provisions of this  
4 chapter shall be maintained unless a written notice of claim for  
5 compensation is given within one year from the date of the accident or  
6 within three years from the first manifestation of a symptom of the  
7 occupational disease, as the case may be, which caused the personal  
8 injury, provided, if death has resulted within two years from the date  
9 of the accident or first manifestation of a symptom of the occupational  
10 disease, a dependent or dependents, or the legal representative of the  
11 deceased employee, may make claim for compensation within the two-  
12 year period or within one year from the date of death, whichever is  
13 later. Notice of claim for compensation may be given to the employer  
14 or any commissioner and shall state, in simple language, the date and

15 place of the accident and the nature of the injury resulting from the  
16 accident, or the date of the first manifestation of a symptom of the  
17 occupational disease and the nature of the disease, as the case may be,  
18 and the name and address of the employee and of the person in whose  
19 interest compensation is claimed. An employee of the state shall send a  
20 copy of the notice to the Commissioner of Administrative Services. An  
21 employee of a municipality shall send a copy of the notice to the town  
22 clerk of the municipality in which he or she is employed. An employer,  
23 other than the state or a municipality, may opt to post a copy of where  
24 notice of a claim for compensation shall be sent by an employee in the  
25 workplace location where other labor law posters required by the  
26 Labor Department are prominently displayed. In addition, an  
27 employer, opting to post where notice of a claim for compensation by  
28 an employee shall be sent, shall forward the address of where notice of  
29 a claim for compensation shall be sent to the Workers' Compensation  
30 Commission and the commission shall post such address on its  
31 Internet web site. An employer shall be responsible for verifying that  
32 information posted at a workplace location is consistent with the  
33 information posted on the commission's Internet web site. If an  
34 employee, other than an employee of the state or a municipality, opts  
35 to mail to his or her employer the written notice of a claim for  
36 compensation required under the provisions of this section, such  
37 written notice shall be sent by the employee to the employer by  
38 certified mail. As used in this section, "manifestation of a symptom"  
39 means manifestation to an employee claiming compensation, or to  
40 some other person standing in such relation to him that the knowledge  
41 of the person would be imputed to him, in a manner that is or should  
42 be recognized by him as symptomatic of the occupational disease for  
43 which compensation is claimed.

44 (b) Whenever liability to pay compensation is contested by the  
45 employer, he shall file with the commissioner, on or before the twenty-  
46 eighth day after he has received a written notice of claim, a notice in  
47 accord with a form prescribed by the chairman of the Workers'  
48 Compensation Commission stating that the right to compensation is

49 contested, the name of the claimant, the name of the employer, the  
50 date of the alleged injury or death and the specific grounds on which  
51 the right to compensation is contested. The employer shall send a copy  
52 of the notice to the employee in accordance with section 31-321. If the  
53 employer or his legal representative fails to file the notice contesting  
54 liability on or before the twenty-eighth day after he has received the  
55 written notice of claim, the employer shall commence payment of  
56 compensation for such injury or death on or before the twenty-eighth  
57 day after he has received the written notice of claim, but the employer  
58 may contest the employee's right to receive compensation on any  
59 grounds or the extent of his disability within one year from the receipt  
60 of the written notice of claim, provided the employer shall not be  
61 required to commence payment of compensation when the written  
62 notice of claim has not been properly served in accordance with  
63 section 31-321 or when the written notice of claim fails to include a  
64 warning that (1) the employer, if he has commenced payment for the  
65 alleged injury or death on or before the twenty-eighth day after  
66 receiving a written notice of claim, shall be precluded from contesting  
67 liability unless a notice contesting liability is filed within one year from  
68 the receipt of the written notice of claim, and (2) the employer shall be  
69 conclusively presumed to have accepted the compensability of the  
70 alleged injury or death unless the employer either files a notice  
71 contesting liability on or before the twenty-eighth day after receiving a  
72 written notice of claim or commences payment for the alleged injury or  
73 death on or before such twenty-eighth day. An employer shall be  
74 entitled, if he prevails, to reimbursement from the claimant of any  
75 compensation paid by the employer on and after the date the  
76 commissioner receives written notice from the employer or his legal  
77 representative, in accordance with the form prescribed by the  
78 chairman of the Workers' Compensation Commission, stating that the  
79 right to compensation is contested. Notwithstanding the provisions of  
80 this subsection, an employer who fails to contest liability for an alleged  
81 injury or death on or before the twenty-eighth day after receiving a  
82 written notice of claim and who fails to commence payment for the  
83 alleged injury or death on or before such twenty-eighth day, shall be

84 conclusively presumed to have accepted the compensability of the  
85 alleged injury or death. If an employer has opted to post an address of  
86 where notice of a claim for compensation by an employee shall be sent,  
87 as described in subsection (a) of this section, the twenty-eight-day  
88 period set forth in this subsection shall begin on the date when such  
89 employer receives written notice of a claim for compensation at such  
90 posted address.

91 (c) Failure to provide a notice of claim under subsection (a) of this  
92 section shall not bar maintenance of the proceedings if there has been a  
93 hearing or a written request for a hearing or an assignment for a  
94 hearing within a one-year period from the date of the accident or  
95 within a three-year period from the first manifestation of a symptom of  
96 the occupational disease, as the case may be, or if a voluntary  
97 agreement has been submitted within the applicable period, or if  
98 within the applicable period an employee has been furnished, for the  
99 injury with respect to which compensation is claimed, with medical or  
100 surgical care as provided in section 31-294d. No defect or inaccuracy of  
101 notice of claim shall bar maintenance of proceedings unless the  
102 employer shows that he was ignorant of the facts concerning the  
103 personal injury and was prejudiced by the defect or inaccuracy of the  
104 notice. Upon satisfactory showing of ignorance and prejudice, the  
105 employer shall receive allowance to the extent of the prejudice.

106 (d) Notwithstanding the provisions of subsection (a) of this section,  
107 a dependent or dependents of a deceased employee seeking  
108 compensation under section 31-306 who was barred by a final  
109 judgment in a court of law from filing a claim arising out of the death  
110 of the deceased employee, whose date of injury was between June 1,  
111 1991, and June 30, 1991, and whose date of death was between  
112 November 1, 1992, and November 30, 1992, because of the failure of  
113 the dependent to timely file a separate death benefits claim, shall be  
114 allowed to file a written notice of claim for compensation not later than  
115 one year after July 8, 2005, and the commissioner shall have  
116 jurisdiction to determine such dependent's claim.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2017</i>	31-294c
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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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### ***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

### ***Explanation***

The bill does not result in a fiscal impact to the state or municipalities as state and municipal employees are exempt from the optional provisions of the bill. The bill is not anticipated to result in a cost to the Workers' Compensation Commission (WCC) to make employer addresses available on their website as the commission has the technical expertise to do so and the employer is responsible for validating the information posted. The bill makes other changes which do not result in a fiscal impact.

House "A" requires employers to validate the information on the WCC website and requires an employee to send notice via certified mail to their employer if the employee opts to send written notice of a claim. The changes do not result in a fiscal impact.

### ***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis****sHB 7132 (as amended by House "A")\******AN ACT PERMITTING AN EMPLOYER TO POST NOTICE OF THE ADDRESS WHERE AN EMPLOYEE'S CLAIM FOR COMPENSATION SHOULD BE SENT.*****SUMMARY**

The law generally requires private-sector employees seeking workers' compensation benefits to submit a written notice of claim for compensation to either a workers' compensation commissioner or their employer's last known residence or place of business. This bill requires private-sector employees who mail the notice to their employer to do so by certified mail. It also allows employers, except the state and municipalities, to post a copy of where employees must send the notice (presumably a specific address). The posting must be in a workplace location where other labor law posters required by the labor department are prominently displayed.

Under the bill, employers who opt to post such an address must also forward it to the Workers' Compensation Commission, which must post the address on its website. Employers are responsible for verifying that the information posted at the workplace location is consistent with the information posted on the commission's website.

By law, within 28 days after receiving an employee's written notice of claim, an employer must either (1) file a notice contesting liability with the compensation commissioner or (2) begin paying workers' compensation benefits to the injured employee (and retain the ability to contest the claim for up to a year). Employers who do neither of these within 28 days of receiving the notice are conclusively presumed to have accepted the claim's compensability. Under the bill, if an employer posts an address where employees must send a notice of

claim, the countdown to the 28-day deadline begins on the date that the employer receives the notice at the posted address.

\*House Amendment "A" requires (1) mailed notices to be sent by certified mail and (2) employers to verify that their workplace-posted information is consistent with the information posted on the commission's website. It also makes technical changes.

EFFECTIVE DATE: October 1, 2017

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 2 (03/31/2017)